

Appl. No. 09/699,626  
Amdt. dated March 29, 2005  
Reply to Office Action of December 29, 2004

### REMARKS

Applicant has carefully reviewed the Office Action mailed on December 29, 2004. Favorable reconsideration is respectfully requested in light of the above amendments and the following comments. Claims 39-42 have been canceled. Thus, claims 37-38 remain pending.

As a preliminary matter, Applicant once again calls the Examiner's attention to the fact that formal drawings were submitted on October 30, 2000, but there has been no indication of approval of the drawings by the Examiner or the Official Draftsman. Applicant requests that the Examiner/Official Draftsman indicate approval or non-approval of the formal drawings with the next PTO communication.

Applicant respectfully traverses the Examiner's rejection of claims 39 and 41 under 35 U.S.C. §103(a) as unpatentable over Moore et al., U.S. Patent No. 4,669,465. Claims 39 and 41 have been canceled, thereby rendering the rejection moot. Applicant does not concede the correctness of the rejection. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 40 and 42 under 35 U.S.C. §103(a) as unpatentable over Moore et al., U.S. Patent No. 4,669,465, in view of Tanabe et al., U.S. Patent No. 4,838,879. Claims 40 and 42 have been canceled, thereby rendering the rejection moot. Applicant does not concede the correctness of the rejection.

Applicant respectfully traverses the Examiner's rejection of claims 37 and 38 under 35 U.S.C. §103(a) as unpatentable over Huter et al., U.S. Patent No. 6,139,511, in view of Doyle et al., U.S. Patent No. 5,007,434, and further in view of Moore et al., U.S. Patent No. 4,669,465. Applicant notes that the Huter et al. patent issued on October 31, 2000. The present application is a continuation of U.S. Patent No. 6,179,788, filed June 26, 1996, which is itself a continuation of U.S. Patent No. 5,209,730, filed December 19, 1989. Thus, the present application has an effective U.S. filing date of December 19, 1989. This can be confirmed by a review of the priority of this application, as added via amendment to the specification upon filing, and as cited in the revised Filing Receipt.

Thus, Huter et al. are unavailable as prior art under 35 U.S.C. §102(b). As Huter et al. have a filing date of June 29, 1998, the reference is similarly unavailable as prior art under either 35 U.S.C. §102(a) or §102(e). Consequently, the reference is unavailable as prior art and thus

Appl. No. 09/699,626  
Amdt. dated March 29, 2005  
Reply to Office Action of December 29, 2004

the rejection is flawed and must be withdrawn. Favorable reconsideration is respectfully requested.

Applicant respectfully traverses the Examiner's rejection of claims 39-42 under the judicially created doctrine of obviousness-type double patenting over claims 1, 7 and 8 of U.S. Patent No. 5,209,730. Claims 39-42 have been canceled, thereby rendering the rejection moot. Applicant does not concede the correctness of the rejection. Favorable reconsideration is respectfully requested.

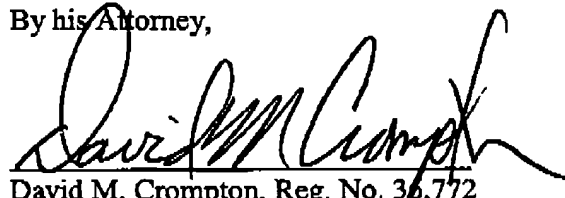
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Daniel J. Sullivan

By his Attorney,

Date: 3/29/05



David M. Crompton, Reg. No. 36,772  
CROMPTON, SEAGER & TUFTE, LLC  
1221 Nicollet Avenue, Suite 800  
Minneapolis, MN 55403-2420  
Telephone: (612) 677-9050  
Facsimile: (612) 359-9349